

Stephen D. Finestone (125675)  
Jennifer C. Hayes (197252)  
Ryan A. Witthans (301432)  
FINESTONE HAYES LLP  
456 Montgomery Street, 20<sup>th</sup> Floor  
San Francisco, California 94104  
Tel. (415) 421-2624  
Fax (415) 398-2820  
[sfinestone@fhlawllp.com](mailto:sfinestone@fhlawllp.com)

**Proposed Counsel for Chapter 7 Trustee  
Kyle Everett**

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

In re

Case No. 20-30819 DM

## BENJA INCORPORATED

Chapter 7

## Debtor

**DECLARATION OF STEPHEN D.  
FINESTONE IN SUPPORT OF  
APPLICATION TO EMPLOY  
COUNSEL FOR CHAPTER 7  
TRUSTEE (FINESTONE HAYES  
LLP)**

I, Stephen D. Finestone, declare as follows:

1. I am an attorney admitted to practice law in the State of California and this Court.

2. I am a partner in the firm of Finestone Hayes LLP (the "Firm"). The Firm is proposed general bankruptcy counsel for the Chapter 7 Trustee, Kyle Everett (the "Trustee").

3. The Firm is experienced in the areas of insolvency, business reorganization, and debtor/creditor matters, having represented Chapter 7 and Chapter 11 trustees, Chapter 11 debtors, and creditors in numerous cases before this Court and other Bankruptcy Courts, and also having represented bankruptcy trustees in numerous matters.

4. Subject to further order of this Court, and without being exhaustive, the Firm proposes to render the following types of legal services to the Trustee:

- 1           a)     To advise and represent the Trustee as to all matters and proceedings  
2           within this Chapter 7 case, other than those particular areas that may be assigned  
3           to special counsel;
- 4           b)     To assist, advise and represent the Trustee with respect to his duties  
5           under Bankruptcy Code Section 704(a);
- 6           c)     To assist, advise and represent the Trustee regarding any lawsuits or  
7           claims that are being prosecuted by or against the Debtor;
- 8           d)     To assist and advise the Trustee in the investigation and disposition, if  
9           appropriate, of assets of the estate;
- 10          e)     To assist and advise the Trustee regarding the investigation and  
11           prosecution of potential avoidable transfers; and,
- 12          f)     To assist, advise and represent the Trustee in dealing with the creditors  
13           and other constituencies and analyzing the claims in this case.

14

15        5.     Subject to the provisions of the Bankruptcy Code, the Bankruptcy Rules, the  
16     Guidelines for Compensation and this Court's rules, the Trustee proposes to pay the Firm its  
17     customary hourly rates in effect from time to time and to reimburse the Firm for its expenses  
18     according to its customary reimbursement policies. The Firm's current hourly rate for partners  
19     is \$560 and the hourly rates for associates and contract attorneys range from \$375-475. The  
20     rates are subject to increases on an annual basis

21        6.     Having reviewed the list of creditors and interested parties in the bankruptcy  
22     case, to the best of my knowledge the Firm has no connection with the debtor, creditors, or any  
23     other party in interest, their respective attorneys and accountants, the United States Trustee or  
24     any person employed in the Office of the United States Trustee. The Firm does not presently  
25     represent any interest adverse to the Applicant or to the estate in regard to matters with which it  
26     is to be employed. The Firm is disinterested.

27        7.     The Firm has not shared or agreed to share compensation with any entity except  
28     among its attorneys. The Firm will comply with Bankruptcy Code Section 327 with respect to

its work on behalf of the Trustee and any compensation related thereto.

8. This declaration has been served on the Office of the United States Trustee via CM/ECF. No hearing is required unless requested by the United States Trustee, a party in interest or the Court.

9. The Firm seeks approval of this Application retroactive to the conversion date of January 29, 2021.

I declare under penalty of perjury that the foregoing is true and correct. Executed this  
1<sup>st</sup> day of September 2022 in San Francisco, California.

/s/ Stephen D. Finestone  
Stephen D. Finestone

1 I am over the age of 18 and not a party to this action. My business address is 456  
2 Montgomery Street, Floor 20, San Francisco, California 94104. I caused a true and correct copy  
of the following documents:

- 3
- 4 **1. APPLICATION TO EMPLOY COUNSEL FOR CHAPTER 7 TRUSTEE**  
**(FINESTONE HAYES LLP); and**
- 5 **2. DECLARATION OF STEPHEN D. FINESTONE IN SUPPORT OF**  
**APPLICATION TO EMPLOY COUNSEL FOR CHAPTER 7 TRUSTEE**  
**(FINESTONE HAYES LLP)**
- 6

7 to be served in the manner stated below.

8 **SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")**

9 Pursuant to controlling General Orders and Local Bankruptcy Rules, the forgoing documents  
10 will be served by the court via NEF and link to the document. On September 1, 2022, I checked  
11 the CM/ECF docket for this action and determined that the following persons are on the  
Electronic Mail Notice List to receive NEF transmission at the email addresses stated below.

12 Jared Day

13 [jared.a.day@usdoj.gov](mailto:jared.a.day@usdoj.gov)

14 Office of the U.S. Trustee / SF

15 [USTPRegion17.SF.ECF@usdoj.gov](mailto:USTPRegion17.SF.ECF@usdoj.gov)

16 Paul Manasian

17 [manasian@mrlawsf.com](mailto:manasian@mrlawsf.com)

18 Tanya Benham

19 [tbehnam@polsinelli.com](mailto:tbehnam@polsinelli.com)

20 Kathy Quon Bryant

21 [kquonbryant@mlg-pc.com](mailto:kquonbryant@mlg-pc.com)

22 Carol Chow

23 [carol.chow@ffslaw.com](mailto:carol.chow@ffslaw.com)

24 Merle Meyers

25 [mmeyers@mlg-pc.com](mailto:mmeyers@mlg-pc.com)

26 Randy Michelson

27 [randy.michelson@michelsonlawgroup.com](mailto:randy.michelson@michelsonlawgroup.com)

28 Sophia Ashley Perna-Plank

[spernaplank@jaspanllp.com](mailto:spernaplank@jaspanllp.com)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 1, 2022, in San Francisco, California.

/s/ Stephen D. Finestone  
Stephen D. Finestone